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ABSTRACT

This report analyzes and summarizes the National Security Education Act of 1991 (NSEA) which authorizes a new program of aid for foreign language and area studies. The report discusses the legislation's aim to increase future national security through enhanced foreign language abilities and knowledge of other countries, the NSEA's authorized activities (scholarships, grants to institutions, and fellowships to graduate students), the program structure and administration including Department of Defense responsibility, program funding, service requirements (recipients of graduate fellowships or undergraduate scholarships must serve at least one year as a federal employee or as a teacher), eligibility, and application information. The report also discusses two issues that arose regarding NSEA during its congressional consideration and initial implementation: the relationship of this program to previously established international and exchange programs and questions of its relationship to federal intelligence agencies. The analysis found that this program fills an existing need in the international undergraduate educational exchange, that there may be some overlap with other federal programs for graduate fellowships, and that there are several solutions to problems of this program's relationship to intelligence agencies. Seven references are included. (JB)

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National Security Education Act of 1991: Summary and Analysis

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SUMMARY

Legislation has been enacted to authorize a new program of aid for foreign language and area studies, the National Security Education Act of 1991 (NSEA).[1] Of an initial appropriation of $150 million for this authorization, $35 million will be available for obligation in FY 1992, with the remaining funds invested in a trust fund for use in future years.[2]

Specific forms of assistance authorized under the NSEA include fellowships for undergraduate study by Americans abroad, graduate fellowships at American institutions of higher education, and grants to those institutions. This program will be administered by the Defense Intelligence College, an educational institution that is part of the Department of Defense (DOD), under the guidance of a National Security Education Board that will include representatives of Federal agencies plus specialists in foreign language and area studies. It is intended that this program complement, not duplicate or replace, the foreign language and area studies programs previously authorized under title VI of the Higher Education Act (HEA) and other legislation, as well as the international exchange programs of the U.S. Information Agency (USIA) and other Federal agencies.

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PROVISIONS OF THE NATIONAL SECURITY EDUCATION ACT

The "findings" of the NSEA emphasize that the future security of the United States depends significantly upon our ability to understand and communicate with the citizens of other nations. This is especially important for our ability to compete economically in a post-Cold War world. In addition, the NSEA states that American students and institutions of higher education should place greater emphasis on foreign language and area studies.

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[1] Title VIII of P.L. 102-183, the Intelligence Authorization Act, Fiscal Year 1992, H.R. 2038

[2] P.L. 102-172, Department of Defense Appropriations Act, Fiscal Year 1992, H.R. 2521

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The statement of purpose for the NSEA emphasizes the needs of Federal Government agencies, as well as the Nation's postsecondary education institutions, for an increased supply of individuals knowledgeable about the languages and cultures of foreign nations, especially those nations that have not traditionally been the focus of American interest and study.[3] Specifically, the NSEA declares the purposes of this program to be: to provide the resources and flexibility necessary to meet the national security needs of the United States; to increase the quantity and quality of teaching and learning of foreign language and area studies; expand the pool of applicants for employment in U.S. Government agencies with national security responsibilities; expand the foreign language and area studies knowledge base upon which U.S. citizens and Government employees can rely; and "permit the Federal Government to advocate the cause of international education" (sec. 801(c)).

Authorized Activities

Three types of assistance are authorized in the NSEA, with a "goal" of devoting one-third of the funds obligated every year to each of the activities. The authorized activities are:

- scholarships to allow undergraduate students who are U.S. citizens to study in a "critical" foreign country for at least 1 semester;
- grants to institutions of higher education to establish or operate programs in "critical" foreign language and area studies areas; and
- fellowships to graduate students who are U.S. citizens for education in the U.S. in "critical" foreign language and area studies areas.

The nations, disciplines, and subject areas that are "critical" to national security are to be determined by the National Security Education Board, taking into account Federal Government and other needs, as well as the supply of individuals knowledgeable in those areas.

Program Structure and Administration

The responsibility for administering the NSEA is assigned to DOD, not the U.S. Department of Education (ED). The Secretary of Defense is to administer the program through the Defense Intelligence College, a DOD institution that primarily provides professional development training to military and civilian persons with careers in intelligence, and a Defense Academic Research Support Program funding contract studies and conferences. The NSEA authorizes the Secretary to conduct administrative duties via private organizations having

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[3]This is frequently understood to mean regions of the world other than Europe, especially western Europe. For example, in 1989-1990, 77 percent of all American college students abroad studied in European universities, the great majority of them in western Europe. However, the legislation does not state this priority explicitly, leaving it to the NSEB to make such determinations.

expertise in foreign language and area studies. Such an arrangement might be similar to that of the Fulbright programs of international educational exchange, under which the USIA contracts with the private Institute of International Education for many administrative activities.

The program is also to be administered in conjunction with a National Security Education Board (NSEB), consisting of the Secretaries of Defense, Education, Commerce, and State, the directors of the Central Intelligence Agency (CIA) and USIA, plus four persons appointed by the President who have expertise in the areas of international, language, and area studies education. The Board's functions include: developing criteria and qualifications for making awards; providing for wide dissemination of information about program activities; reviewing program administration; and making recommendations on countries, disciplines, and areas where there are knowledge deficiencies that make them "critical" for support under the program.

The NSEA also requires the Secretary of Defense to submit an annual report to Congress and the President. The report must include an analysis of trends in language, international, and area studies; the effects of those trends on the program; a description and analysis of assistance provided in the previous year, including the performance of persons receiving aid; and any recommended changes to the legislation authorizing the program.

Program Funding

Appropriations for this program are to be placed into a National Security Education Trust Fund in the U.S. Treasury. Money may be taken from the Fund for grants and administrative costs, but only to the extent specified in authorization and appropriations legislation. Money in the Fund may be invested only in interest-bearing obligations of the United States or guaranteed by the United States. Reimbursements for failure to meet service requirements (see below) shall be paid into the Fund. An authorization of appropriations has been provided only for FY 1992--$150 million may be appropriated for the Fund, while $35 million from the Fund may be used for program activities.

Service Requirements

Individuals who receive NSEA graduate fellowships, or undergraduate scholarships covering a period of 1 year or longer, will be obligated to serve either as a Federal employee or an educator for a minimum period of time in return. The length of the service requirement will be established by regulation; it can be longer than the period of assistance for scholarship recipients, and may be 1-3 times the period of assistance for fellowship recipients. Individuals can meet this obligation by employment in any Federal agency, or as an educator, "in the area of study for which the scholarship or fellowship was awarded." (sec. 802(b)) Persons failing to meet their service requirement must repay the amount of assistance given to them, plus interest at a rate to be determined by regulation. As is discussed further below, one possible form of service by grant recipients is prohibited by the legislation--recipients may not be used for

intelligence gathering activities during the period of education for which they receive assistance.

Eligibility for Awards

Eligibility criteria for scholarships, fellowships, and institutional grants will be determined by regulation, in accordance with guidance provided by the National Security Education Board. The Act does provide that in making awards, consideration must be given to equitable geographic distribution and reflection of the "cultural, racial, and ethnic diversity of the population of the United States" (sec. 802(c)). Further, all awards are to be made on the basis of a "merit review" process. Finally, only U.S. citizens attending institutions of higher education are eligible to receive scholarships or fellowships.

Application Information

According to staff of DOD, an office has not yet been established to administer this program, nor have members of the NSEB been appointed. It is estimated that these tasks will have been completed, and application information will be available, no sooner than April-June 1992. Until that time, although interested individuals could contact the Defense Intelligence College, no further information is likely to be available to potential applicants.

PROGRAM ISSUES

Two issues have arisen regarding the NSEA during its congressional consideration and initial implementation; they are discussed below.

Relationship to Previously Authorized International Studies and Exchange Programs

Previous to the enactment of the NSEA, there were already several Federal programs supporting foreign language and area studies or international educational exchange. The question arises of whether, and to what extent, the programs authorized in the NSEA might duplicate, or complement, the existing programs. The NSEA authorizes support for international educational exchange for U.S. citizen undergraduate students; fellowships for domestic, graduate-level, foreign language and area studies by U.S. citizens; plus aid to foreign language and area studies programs at U.S. institutions of higher education. While it is beyond the scope of this report to comprehensively describe similar current Federal programs, we will discuss in general terms the possible relationships of the NSEA programs with them.

Regarding international educational exchange, while there are several federally-supported programs at all levels of education beginning with high school, there is currently no major program for educational exchange by **U.S. citizen undergraduate** students. There are relatively large programs supporting study abroad by American high school, or graduate students, or study in the United States by foreign high school, undergraduate (from selected

nations), or graduate students. Virtually all American undergraduate students abroad are supported by family or other private resources. Thus, the undergraduate scholarship provisions of the NSEA fill a "niche" not met by current programs.

With respect to the other two major activities of the NSEA--graduate fellowships and institutional aid--there are currently programs with similar authorities, primarily those authorized under title VI of HEA, administered by ED.[4] These programs are currently being considered for amendment and reauthorization, along with the rest of the HEA, by the 102d Congress.[5] Among the authorized and funded activities of HEA title VI are fellowships for graduate students in foreign language and area studies, and grants to institutions of higher education for "national resource centers," research, curriculum development, plus programs that combine study of business with international education. Thus, there is the potential for duplication or overlap between the graduate fellowship and institutional aid portions of the NSEA and HEA title VI.

Coordination of administration and grant competitions between the NSEA and HEA title VI programs would presumably reduce problems of overlap. In addition, it might be argued that a supplement to the HEA title VI programs is appropriate because the program is still small relative to the level of need, or because the funding level for HEA title VI has been relatively static. It is difficult to evaluate the first of these arguments, since it is virtually impossible to precisely estimate the level of need for Federal aid to foreign language and area studies. The significance of the funding trend argument depends primarily on the period of time considered. Between FY 1980 and FY 1991, the total appropriation for title VI rose from $17,000,000 to $40,012,000 in current dollars. After adjusting for price level changes over this period, the "real" level of title VI funding overall rose by approximately 39 percent between FY 1980-1991, with constant dollar funding for graduate fellowships rising by an estimated 47 percent and for graduate level institutional aid by an estimated 11 percent. However, this results from relatively large increases in title VI appropriations in the last few years; title VI funding was static through most of the 1970s and early 1980s. For example, the FY 1966 appropriation was $14,000,000, just $3,000,000 below the level 14 years later. In "real" terms, the FY 1991 appropriation for title VI remains well below the level of the mid-1960s--a decline of an estimated 24 percent overall, with a decline of 51 percent

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[4]For information on Federal programs aiding foreign language and area studies, see U.S. Library of Congress. Congressional Research Service. *Foreign Language and International Education: The Federal Role*. CRS Report for Congress No. 89-657 EPW, by Wayne C. Riddle. Washington, 1989.

[5]For the current status of this legislation see, U.S. Library of Congress. Congressional Research Service. *Higher Education: Reauthorization of the Higher Education Act*. Issue Brief No. IB90028, By Margot A. Schenet, *et al.*, Nov. 12, 1991 (continually updated).

in the "real" level of fellowship assistance, and a decline of 42 percent for graduate level institutional aid.

Relationship to Federal Intelligence Agencies

Some have expressed concern about the relationship between the NSEA, or students aided by it, and the intelligence agencies of the Federal Government.[6] The NSEA has several connections with the intelligence agencies of the Federal Government. As noted above, recipients of graduate fellowships, and of undergraduate scholarships lasting 1 year or longer, will be obligated to serve in a Federal Government agency or an educational institution. While the legislation does not specify that the Federal agency must be an intelligence agency, it does state that the employment should be "in the area of study for which the scholarship or fellowship was awarded" (sec. 802(b)). Further, the program is authorized in an intelligence act; it will be administered by the Defense Intelligence College; and among its stated purposes is to expand the pool of applicants for employment in U.S. Government agencies with national security responsibilities.

As a result, some educators are concerned that aid recipients will be assumed to be associated with U.S. intelligence agencies, especially in foreign nations to which they travel to study. Concern has been expressed about the safety of participants as well as the cooperation of foreign educational institutions if the NSEA is perceived as being closely related to the CIA or other intelligence agencies.

In response, proponents of the NSEA might argue that the Act's provisions, plus regulations to be developed with the advice of the NSEB, will balance concerns about the independence of aid recipients with the needs and interests of the Federal Government. The NSEA service requirement may be met by employment in any Federal agency, or an educational institution, not just an intelligence agency. Further, the NSEA provides that no person receiving assistance may be used by any entity of the U.S. Government "engaged in intelligence activities to undertake any activity on its behalf during the period such person is pursuing a program of education for which funds are provided under the program carried out under this title" (sec. 802(f)). It is also possible that this program is included in intelligence authorization, and DOD appropriations, legislation so that it will be considered to be "defense," rather than "domestic," spending in the application of discretionary spending limits in the congressional budget process.[7]

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[6]See, for example, Desruisseaux, Paul. Congress Approves Program to Support Overseas Study. *Chronicle of Higher Education*, Dec. 4, 1991. p. A53, A55.

[7]For more information on this process, see U.S. Library of Congress. Congressional Research Service. *Manual on the Federal Budget Process*. CRS Report for Congress No. 91-902 GOV, by Allen Schick, *et al.* Washington, 1991. p. 85.